



I Am a U.S. Citizen...

A2

How Do I...Help My Fiancé(e)
Become a Permanent Resident
of the United States?



U.S. Citizenship
and Immigration
Services

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A United States (U.S.) citizen who decides to marry a person who is not a citizen or permanent resident can take different paths to help their fiancé(e) get permanent residence.

One option is to marry overseas. If you marry overseas, you can then file a **Form I-130, Petition for Alien Relative**, for your new husband or wife. If you choose this option, when the petition is approved, your new husband or wife will be processed for an immigrant visa by the U.S. Embassy or Consulate, and will then enter the U.S. as a permanent resident. For more information about the I-130 relative petition for a spouse, please see **Fact Sheet A1**. In certain situations, while you are physically overseas, you may be able to file the petition with a U.S. Consulate or overseas USCIS office rather than with a USCIS office in the U.S. Check with the U.S. Consulate in each specific country for more information.

Another option is if your fiancé(e) is already in the U.S. in another lawful temporary status and you want to get married in the U.S. While you may marry and file the I-130 for him/her, there may be additional requirements that he/she will have to meet before being able to adjust status to permanent residence in the U.S. For more information about the I-130 relative petition for a spouse, please see **Fact Sheet A1**¹.

One other option is the **fiancé(e) visa** if your fiancé(e) is overseas and you want to get married in the U.S., or he/she is in the U.S. and wants to depart the U.S. and return to get married. This visa acts as a bridge to permanent residence for your fiancé(e) —it lets him or her enter the U.S. for 90 days so your marriage ceremony can take place here. Once you are married, your new spouse can apply for permanent residence and remain in the U.S. while we process the application. If you choose this option, file a **Form I-129F, Petition for Alien Fiancé(e)**. The I-129F is available from our website.

If you choose this option and if we approve the I-129F, we will send it to the U.S. Embassy or Consulate nearest your fiancé(e)'s foreign place of residence. The Consulate will then invite him or her to apply for the actual fiancé(e) visa.

What are the basic eligibility requirements for a fiancé(e) petition?

Only a U.S. citizen can file a fiancé(e) petition. In your petition you must prove that:

- You are a U.S. citizen; and
- You and your fiancé(e) intend to marry within 90 days of your fiancé(e) entering the U.S.; and
- You are both free to marry; and
- You have met each other in person within two years before you file this petition unless:
 1. The requirement to meet your fiancé(e) in person would violate strict and long-established customs of your or your fiancé(e)'s foreign culture or social practice; or
 2. You prove that the requirement to personally meet your fiancé(e) would result in extreme hardship to you.

What if my fiancé(e) is already in the U.S. in another status and we decide to get married now?

A fiancé(e) visa is only available to a person who is outside the U.S., or will be leaving the U.S. and then returning as a fiancé(e).

If your fiancé(e) is in the U.S. and entered using a visa other than a fiancé(e) visa, and you marry, then you may file an I-130 relative petition for him or her as your husband or wife. He/she may be able to file **Form I-485, Application to Register Permanent Residence or to Adjust Status**, along with your petition. For more information about the I-130 relative petition, please see **Fact Sheet A1**.

¹If your fiancé(e) is in the U.S. and entered **unlawfully**, while you can get married and file the I-130 for him or her, in most cases he/she will not be able to adjust his/her status to that of a permanent resident while in the U.S. In this situation, he/she will have to pursue an immigrant visa at a U.S. Consulate/Embassy overseas.



What if we are engaged but have not yet decided to marry?

The fiancé(e) visa is a temporary visa that simply lets your fiancé(e) enter the U.S. so the two of you may marry here. It is not a way for you to bring a person here so you can get to know one another, or spend more time together to decide whether you want to get married.

If we choose the fiancé(e) visa option, how does my fiancé(e) get permanent resident status?

First, your fiancé(e) will enter the U.S. with a fiancé(e) visa. Next the two of you marry. You will need to get married within the 90-days that his/her status lasts. As soon as you get married, your new husband/wife may apply for permanent residence by filing an I-485.

What happens if we do not get married within 90 days?

Fiancé(e) status automatically expires after 90 days. It cannot be extended for any reason. Your fiancé(e) must leave the U.S. at the end of the 90 days if you do not get married. If he/she does not depart, he/she will be in violation of his or her immigration status. This can affect future eligibility for immigration benefits.

We want to make plans for our wedding. How long will this process take?

We cannot guarantee a processing time. Every case is different and the number of cases we receive varies. Please check our website for our current processing times for the I-129F petition. To be fair to all customers, we process fiancé(e) cases in the order we receive them. We cannot pull a case out of order to accommodate wedding plans. In addition, once we complete processing, the U.S. Consulate must process your fiancé(e) for a visa; so factor this into your plans.

My fiancé(e) has a child. May the child come to the U.S. with my fiancé(e)?

If the child is less than 21 years old and is not married, a K-2 visa may be available to him/her. Be sure to include the name(s) of your fiancé(e)'s child(ren) on your I-129F fiancé(e) petition.

Can my fiancé(e) work in the U.S. while here on a fiancé(e) visa?

Your fiancé(e) may apply for a **Form I-765, Application for Employment Authorization**, after he/ she is admitted to the U.S. based on the fiancé(e) visa. However, it will expire when status expires-90 days after entry. As a practical matter, it usually makes more sense to marry and include an application for work authorization with the permanent residence application. Your fiancé(e) can apply for permanent residence using I-485 application as soon as you marry.

What if my fiancé(e) uses a different kind of visa, or enters as a visitor without visa, to come here so we can get married?

There could be serious consequences. Attempting to get a visa or enter the U.S. by saying one thing when you intend another may be considered immigration fraud, for which there are severe penalties. Those penalties include restricting a person's ability to get immigration benefits, including permanent residence, as well as a possible fine of up to \$10,000 and imprisonment of up to five years. It is not appropriate for your fiancé(e) to enter the U.S. as a visitor with the intent to marry you and remain to try to become a permanent resident. It is appropriate, however, to enter as a

visitor to have the wedding in the U.S. and then return to a foreign residence for further processing for U.S. immigration as a spouse. You should come prepared with proof of your clear intentions in this regard.

Key Information

Key forms referenced in this Fact Sheet	Form #
Petition for Alien Relative	I-130
Petition for Alien Fiancé(e)	I-129F
Application to Register Permanent Residence or to Adjust Status	I-485
Application for Employment Authorization	I-765

USCIS

- **On the Internet at: uscis.gov**

For more copies of this Fact Sheet, or information about other citizenship and immigration services, visit our website. You can also download forms, e-file some applications, check the status of an application, and more. It's a great place to start! If you don't have Internet access at home or work, try your library. If you can't find what you need, call customer service.
- **Customer Service: 1-800-375-5283**
- Hearing Impaired TDD Customer Service: 1-800-767-1833

Disclaimer: This Fact Sheet is a basic guide to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, see our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.

Other U.S. Government Services—click or call		
In general	www.firstgov.gov	1-800-333-4636
U.S. Department of State	www.state.gov	1-202-647-6575